

### REMARKS

Applicant has carefully reviewed the Office Action mailed by the Patent Office on January 9, 2006 and offers the following remarks to accompany the above amendments.

Claims 1, 2, 4, 6, 9-11, 17-24, 26-37, 41, and 51 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,707,421 B1 to Drury et al. (hereinafter "Drury"). Applicant respectfully traverses. For a reference to be anticipatory, the reference must disclose each and every claim element. Further, the elements of the reference must be arranged as claimed. MPEP § 2131.

Applicant acknowledges the allowed claims 3, 5, 7, 12, 38-40, 42-50, and 52-56.

Claim 41 is the only amended claim in this response. The limitations of claim 42 have been placed into claim 41, and claim 42 has been cancelled. Thus, no new search is required.

Before discussing the rejection, a brief discussion of the present invention is provided.

### Summary of Invention

All claims of the present invention except claim 26 involve "learned routes." The present invention is directed to a mobile terminal, such as a cellular telephone, that "learns" travel routes taken by a user. (Specification, p. 4, l. 33 – p. 5, l. 7). Traffic information relating to the "learned route" can subsequently be provided to the user without the user having to specify a destination or route for a trip to the mobile terminal. The user can use the traffic condition information for evaluation of their current route to the destination, such as to decide if an alternative route should be taken in response to traffic congestion for example. (Specification, p. 5, ll. 8-21). The learned route(s) may also be used to automatically determine the user's likely route of travel or destination on a current trip when determining traffic information to provide to the user. In this manner, the user's burden to interact with the mobile terminal to initiate access to such information is either alleviated or reduced under normal circumstances, since the traffic information request for the user may be made based on the most likely route or destination as determined from learned travel information. (Specification, p. 5, l. 30 – p. 6, l. 4).

With respect to claim 26, this claim requires the geographic location information relating to the user's cellular telephone position to be translated into roadway information and traffic information pertaining to the roadway information to be provided.

Discussion of Rejection

All rejected claims except claim 26 (claims 1, 2, 4, 6, 9-11, 17-24, 27-37, 41, and 51) require that the "traffic information" be based on whole or part on the "learned routes." This limitation is not taught in Drury, and thus Drury does not anticipate the rejected claims for this reason alone. Drury does teach an in-vehicle wireless telephone system that includes a positioning system for determining the geographic location of a user and sending the location information to a server to determine a route. (Drury, Abstract; "General Procedure" at col. 18, l. 21 – col. 19, l. 45). However in Drury, the user specifies the desired destination to the in-vehicle system so it can deliver a route to the operator to reach the desired destination." (Drury, col. 18, ll. 31-34). The route is not a "learned route" like that provided by the claimed invention.

The Patent Office points to a later section in Drury under the section named "Additional Services" regarding the providing of "traffic information" (col. 37, l. 64 – col. 8, l. 37). However, as noted at column 37, lines 64-66 and consistent with the characterization of Drury above, the traffic information service provides an operator with a report of traffic conditions on "specified trips" as opposed to "learned routes." Drury goes on to state that the operator may specify a trip by selecting trip segments. (col. 38, ll. 6-7). As stated above, the claimed invention obtains "traffic information" on "learned routes" as opposed to trip segments or routes specified or selected by the user. Drury also goes on to state that the server may automatically, without a request being generated by the in-vehicle system, provide traffic information on the user's previously specified trips. (col. 38, ll. 25-38). However, in addition to these trips still being specified by the user, the traffic information is not provided in response to a request by the in-vehicle system like that of the claimed invention (See discussion on this distinction in Applicant's response to previous Office Action mailed on October 6, 2005).

Still further, rejected claims 1, 2, 4, 6, 9-11, 17-24, and 27-36 additionally require a determination if travel on a learned route by a user is likely. The traffic information is specifically requested for the learned route that the user is most likely traveling. Because the traffic information request is made based on the most likely route or destination as determined from learned travel information, the user's burden to interact with the mobile terminal to initiate access to such information is either alleviated or reduced under normal circumstances. (Specification, p. 5, l. 30 – p. 6, l. 4).

Drury does not disclose its in-vehicle system determining if travel on a learned route by a user is likely as part of its processing to determine route or traffic information. As discussed above, Drury simply receives a specified route or destination from the user and provides a route to reach the destination and/or traffic information about the specified route. Drury does not disclose or teach determining if the route being taken by a user is likely a learned route previously taken by the user. Thus, for this additional reason, Drury does not anticipate claims 1, 2, 4, 6, 9-11, 17-24, and 27-36.

With respect to claim 26, Drury does not disclose providing traffic information based on the user's mobile terminal geographic location. As discussed above, Drury must be provided a specified route or destination from the user in order to obtain traffic information. Thus, claim 26 is not anticipated.

For the reasons stated above, the rejection based on Drury must be withdrawn since none of the claims are anticipated. Applicant respectfully requests consideration of the rejection in light of the remarks presented herein. Applicant would welcome a telephone interview to further discuss the rejections if necessary. Applicant earnestly solicits claim allowance at the Examiner's earliest convenience.

<p><b>CERTIFICATE OF TRANSMISSION</b> I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING TRANSMITTED VIA FACSIMILE ON THE DATE INDICATED BELOW TO:</p> <p>Examiner: Beaulieu, Yongi Art Unit: 3661 Fax: 571-273-8300</p> <p><u>Steven N. Terranova</u> Name of Sender</p> <p><u>[Signature]</u> Signature</p> <p><u>4/10/2006</u> Date of Transmission</p>
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Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:

[Signature]  
Steven N. Terranova  
Registration No. 43,185  
P.O. Box 1287  
Cary, NC 27512  
Telephone: (919) 654-4520

Date: April 10, 2006  
Attorney Docket: 7000-008